

REMARKS

The Examiner is thanked for granting the Applicant a telephonic interview on November 19, 2008. During the Interview, the claimed invention was discussed. In particular, the features recited in claims 1, 2, 10, 15, and 17 were discussed with specific references made to the specification and the cited art.

Claims 1, 9, 10, 15, 17, and 22 have been amended.

Claim 2 has been canceled.

Agreement was reached that claim 2 is patentable over the cited art. Solely pursuant to this agreement, claim 1 has been amended to include “a traffic controller coupled to the virus sensor and the network arranged to select certain data packets wherein the selected data packets are forwarded to the virus sensor” and claim 2 has been cancelled. Claims 1, 9, 10, 15, 17, and 22 have been amended to address the rejections under 35 U.S.C. §112. The Applicant respectfully submits that the dependent claims 3-9, 11-15, and 18-22 recite additional features that are neither taught nor suggested by the cited art.

The Examiner has rejected claims 1-15 and 17-22 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims in Application Nos. 10/683,579 and 10/683,582. Applicant respectfully notes that Application No. 10/683,579 has been abandoned and Application No. 10/683,582 is currently co-pending. Submitted herewith as a separate paper is a terminal disclaimer for the present application with respect co-pending Application No. 10/683,582 in order to obviate the nonstatutory obviousness-type double patenting rejection.

It is respectfully submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER LAW GROUP LLP

/Steven Chang/
Steven Chang
Reg. No. 59,424

P.O. Box 1687
Cupertino, CA 95015-1687
(408) 255-8001